

### **REMARKS**

Claims 1-46 and 51-72 are pending in this application, claims 47-50 having been cancelled, and claims 36 and 39 having been amended. Claims 1-35, 39, 40, 46 and 60-65 have been allowed, claims 37, 38, 41-45, 48-59 and 66-72 have been withdrawn from consideration, and claims 36 and 47 have been rejected. Claims 1, 36, 39, 41 (withdrawn), 46, 51 (withdrawn), 57 (withdrawn), 60, 66 (withdrawn) and 72 (withdrawn) are independent.

The Examiner is thanked for the allowance of claims 1-35, 39, 40, 46 and 60-65. These claims have been maintained unchanged, and so are believed to remain allowable at least for the reasons already given.

As discussed in detail below, since some of the allowed claims are generic as to various species of invention, consideration and allowance of all claims and species are respectfully requested.

#### **The Objection to the Claims**

Claim 39 has been objected to on grounds the term "a" at various lines should be changed to --the--.

The Examiner is thanked for calling attention to this point. Claim 39 has been revised to make the changes helpfully suggested by the Examiner. Accordingly, favorable reconsideration and withdrawal of this objection are respectfully requested.

#### **The Rejections Under 35 U.S.C. § 102**

Claim 36 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 6,322,205 to Childers et al. Applicants respectfully traverse this rejection, and submit the following arguments in support thereof.

Applicants' invention, as described in claim 36, involves a liquid container for storing liquid to be supplied to a liquid consuming apparatus, which is constructed such that pressurized fluid is sent to its inside so that the liquid in the inside is delivered to the outside. The liquid container includes a container body, a first reservoir chamber which stores the liquid within and which is provided in the container body, a second reservoir chamber which is communicated with the first reservoir chamber and which is provided in the container body, and a pressurized fluid introduction port for introducing the pressurized fluid to the inside of the container body. A detection unit is attached to the second reservoir chamber and outputs an output signal which indicates whether an amount of the liquid stored in the first reservoir chamber is more than a predetermined value.

In contrast to the recited invention, Childers' cartridge has a single ink chamber, reservoir 22, to which two ink volume sensor coils 36 are attached, as shown in Figs. 1 and 12-14, and described at col. 8, lines 22-45 of the specification (Fig. 1 shows how Childers' sensor coils 36 are arranged about the reservoir 22). In contrast, as recited in claim 36, in this invention there are two distinct chambers, a first reservoir chamber storing ink, and a second reservoir chamber (sensor chamber) to which a detection unit is attached. By way of non-limiting example, the substantial differences between the present invention and Childers may be particularly clear upon comparison of Figs. 10(A-B) of this application to Figs. 1 and 12-14 of Childers. Accordingly, it is clear that Childers does not identically disclose all the features of the claimed invention.

It is well-accepted that a reference which fails to identically disclose all the features of an invention cannot anticipate that invention. Here, Childers fails to even suggest at

least those aspects of the invention just discussed, meaning Childers does not anticipate the present invention.

Accordingly, for all the foregoing reasons, favorable reconsideration and withdrawal of this rejection are respectfully requested.

Claim 47 has been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 6,243,115 to Baker et al.

In view of the cancellation of claim 47, this rejection is now moot. Accordingly, withdrawal of this rejection is respectfully requested.

**Request for Consideration  
of Additional Species**

As pointed out at page 3 of Applicants' Response to Election of Species Requirement filed on November 26, 2006, claims 1, 36, 39, 46, and 60 (and cancelled claim 47) are generic as to multiple species of the invention.

In view of the allowance of claims 1, 39, 46 and 60, and pursuant to the practice specified in M.P.E.P. §§ 806.04(d) and 821.04(a) (although the latter section specifically refers to restriction requirements, the text also refers to allowable generic claims, and so is applicable), Applicants respectfully request consideration and allowance of all of the additional species of invention and corresponding claims, as defined in the Election of Species Requirement dated August 29, 2006.

**CONCLUSION**

Favorable consideration and prompt allowance of this application are respectfully requested.

No fees are believed to be due in connection with the filing of this paper. If, however, any fees are deemed to be now or hereafter due in connection with this application, the Commissioner is authorized to charge all such fees to Deposit Account No. 19-4709.

In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

Respectfully submitted,

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